

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RONALD L. CAMPBELL,	)	
	)	No. CV-08-00134-JPH
Plaintiff,	)	
	)	ORDER GRANTING JOINT MOTION
v.	)	FOR AGREED PROTECTIVE ORDER
	)	
CITY OF SPOKANE, WASHINGTON,	)	(Ct. Rec. 26.)
BRIAN ECKERSLEY, and KEVIN	)	
KING,	)	
	)	
Defendants.	)	

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This matter having come before the court on the parties' stipulation for a protective order (Ct. Rec. 26) relating to matters of discovery, and the Court being fully advised,

**IT IS ORDERED** that the motion (Ct. Rec. 26) is **granted** and all parties and attorneys shall abide by the following conditions relating to documents between the parties in this case:

A. The term "confidential material" as used herein, shall mean:

(1) The Spokane Police Department's Internal Affairs file that relates to an investigation of Spokane Police Officers's conduct during an event or events that relate to factual allegations made by plaintiffs in their complaint for damages, and shall include that portion of any responses to interrogatories of the parties, requests for production by the parties, depositions of the parties, their agents, employees, and retained expert

1 witnesses and consultants, and depositions of any witness that  
2 relate to said Internal Affairs file; and

3 (2) The personnel files and training records of the defendant  
4 employees.

5 B. Confidential material shall hereafter be used solely by  
6 the parties for the purpose of conducting this litigation and not  
7 for any other purpose without order of the court or written  
8 consent of the parties or their counsel.

9 C. For purposes of conducting this litigation, confidential  
10 material may be used by and disclosed only to the following  
11 persons:

12 (1) The attorneys working on this action on behalf of either  
13 party and their employees;

14 (2) The parties, their representatives and their employees  
15 with knowledge of the matters which form the basis of this  
16 litigation;

17 (3) Any person, including expert witnesses and consultants,  
18 who is expressly retained by any attorney or party described in  
19 paragraphs (1) and (2) above, to assist in the preparation of this  
20 action for trial, whether or not their testimony is used at trial;

21 (4) Witnesses having knowledge of the writings or documents  
22 and matters disclosed therein; and

23 (5) The court.

24 D. Any person who makes disclosure of confidential material  
25 under paragraph C of this order shall advise each person to whom  
26 disclosure is made concerning the terms of this protective order.

27 E. The persons described in subparagraphs (1) through (5) of  
28 paragraph C above are enjoined from disclosing confidential

1 materials or the substance thereof to any other person except in  
2 conformance with this order and the laws relating to public  
3 disclosure.

4 F. Neither the parties' stipulation nor anything contained  
5 herein shall prevent or prejudice the right of any party to apply  
6 to the court for an order striking the designation of  
7 confidentiality and removing documents, writings or information  
8 from the restrictions contained in this order. Any party may  
9 apply to the court for an order modifying this order or imposing  
10 additional restrictions on upon the use of confidential material.

11 G. Subject to further order of the court, any confidential  
12 material submitted or presented to or filed with the court shall  
13 be filed in a sealed envelope or other sealed container marked  
14 "Confidential" subject to protective order, and with the name of  
15 the producing party, a statement that the documents are sealed  
16 pursuant to this order and that it is not to be opened or the  
17 contents displayed or revealed except in conformity with further  
18 order of the court.

19 H. Use during trial of any confidential material or  
20 information covered by this order shall be determined by the  
21 Magistrate Judge assigned to preside over pretrial and trial  
22 matters in this case.

23 I. At the conclusion of this matter all copies of any  
24 confidential materials produced by the plaintiffs shall be  
25 returned to the plaintiff's attorney and all copies of any  
26 material produced by the defendants shall be returned to the  
27 attorneys for defendants.

28 J. Any disclosure beyond the above limitations shall require

1 a written agreement between the parties or their counsel, or in  
2 the event of no agreement, further order of the court as described  
3 in paragraph F.

4 K. Violation of the terms of the order shall be deemed  
5 contempt of court. Penalty for the contempt may include but is  
6 not limited to financial terms, expulsion from evidence of the  
7 confidential material disclosed in violation of the order, the  
8 dismissal with prejudice of the offending parties' cause of action  
9 or defense, and/or any other term deemed appropriate by the court.

10 DATED this 24th day of March, 2009.

11 s/ James P. Hutton  
12 JAMES P. HUTTON  
UNITED STATES MAGISTRATE JUDGE